

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

AGASI SIMONYAN,

Petitioner,
v. **No. CV 10-331 LH/LAM**

ERIC HOLDER, et al.

Respondents.

**ORDER GRANTING IN PART MOTION FOR EXPEDITED DISPOSITION OF
PETITION FOR A WRIT OF HABEAS CORPUS (Doc. 11)**

THIS MATTER is before the Court on Petitioner's *Motion for Expedited Disposition of Petition for a Writ of Habeas Corpus (Doc. 11)*, filed June 10, 2010. In the motion, Petitioner asks the Court to expedite the disposition of his *Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (Doc. 1)*, by reducing the time allowed for responses and objections. Petitioner filed his *Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (Doc. 1)* on April 8, 2010, claiming that his continued detention since June 24, 2009, by Respondents is unlawful and violates his due process rights. *Document 1* at 3, 7-8. On May 21, 2010, Respondent Ray Terry filed a *Motion to Dismiss Petition Without Prejudice (Doc. 9)*, arguing that Petitioner is not entitled to the relief he seeks under *Zadvydas v. Davis*, 533 U.S. 678 (2001) because there is no final order of removal in his immigration proceedings (*Document 9* at 3-4), and because Petitioner's claim challenging his detention pending a final order of removal in his immigration proceedings is without merit (*Document 9* at 4-11). On May 26, 2010, the Court entered an order appointing counsel for Petitioner and ordering Petitioner's appointed counsel to supplement the pertinent pleadings and/or file a response to the motion to dismiss by June 25, 2010. *See Order Appointing Counsel and Setting Deadlines (Doc. 10)*. In that order, the Court explained that after Petitioner's counsel files

supplemental information and/or a response to the motion to dismiss, the Court will order further briefing or an evidentiary hearing as it deems necessary. Depending on what is filed by Petitioner's counsel, the Court may order expedited briefing and/or reduce the amount of time allowed for objections to any Proposed Findings and Recommend Disposition that may be filed.

IT IS THEREFORE ORDERED that Petitioner's *Motion for Expedited Disposition of Petition for a Writ of Habeas Corpus* (Doc. 11) is **GRANTED in part** and the Court will order expedited briefing in this case if it finds it necessary.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE